

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

B.L., A MINOR, BY AND THROUGH :
HER FATHER, LAWRENCE LEVY, : CIVIL NO. 3:17-CV-1734-ARC
AND HER MOTHER, BETTY LOU :
LEVY, :
PLAINTIFFS :
V :
MAHANOEY AREA SCHOOL DISTRICT, :
DEFENDANT :

DEPOSITION OF: APRIL GNALL

TAKEN BY: PLAINTIFFS

BEFORE: MARIA N. O'DONNELL, RPR
NOTARY PUBLIC

DATE: OCTOBER 10, 2018, 11:00 A.M.

PLACE: MAHANOEY AREA SCHOOL DISTRICT
ONE GOLDEN BEAR DRIVE
MAHANOEY CITY, PENNSYLVANIA

EXHIBIT

D - 21

October 10, 2018

6 to 9

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1 with?

2 A No.

3 Q Is there anything that she said that you felt was

4 incomplete?

5 A No.

6 Q Okay. What is your title?

7 A Currently now just third grade teacher.

8 Q Okay. And last year, you were cheerleading advisor

9 of some sort, is that correct?

10 A Yes.

11 Q What was your title?

12 A Co-advisor with Nicole.

13 Q Okay. And at that time, were you paid extra for

14 your work as cheerleading co-advisor?

15 A Yes.

16 Q Okay. How long -- how many years have you spent as

17 a cheerleading coach of some kind?

18 A This time around, three years. And approximately

19 back in '93, '94, I want to say three or four years.

20 Q Okay.

21 A It was a long time ago.

22 Q And how long have you been an educator?

23 A Since 1990.

24 Q Okay. Ms. Luchetta-Rump said that she thought that

25 you were -- would be more knowledgeable than she would about

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1 how you learned about the existence of the Snap. So I want to

2 ask you some questions about that.

3 Let's look at P-5, which is the district's responses

4 to interrogatories. If you could look at the answer -- if you

5 could look at the answer to number one.

6 MR. BROWN: It's a couple pages in.

7 BY MS. TACK-HOOPER:

8 Q Yes. Did you have a chance to read the response to

9 one?

10 A Yes. Yes.

11 Q Is that accurate?

12 A Yes.

13 Q Okay. B. says that she created the Snap on

14 Saturday, May 27, 2017 at the Cocoa Hut. Do you have any

15 reason to doubt any of those details?

16 A No.

17 Q Okay. Was the cheerleading season over at that

18 point?

19 A I don't really think our season ever is over because

20 we literally go from tryouts. We roll into practices for the

21 summer. We go into football season. We go into basketball

22 season which goes into wrestling season. We get that slight

23 little break before we start holding practices for tryouts

24 again. So personally I feel like our season is on going.

25 Q Okay. So practices start right after tryouts?

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1 A Pretty much for the summer.

2 Q Okay.

3 A And we have the parade. The Memorial Day Parade was

4 right after tryouts. So the girls have to go to the parade as

5 well. That is part of our requirement.

6 Q Are students told whether they made varsity the same

7 day as tryouts?

8 A Yes.

9 Q Okay. I want to talk a little bit about Snapchat.

10 So I am not a Snapchat user, I confess. But my understanding

11 is that unlike other social media platforms where there is a

12 web site that you can go to, Snapchat is just an app. And the

13 essential feature of Snapchat is that the posts are self

14 deleting. Is that consistent with what you understand about

15 Snapchat?

16 A To be honest with you, I don't know enough about

17 Snapchat --

18 Q Okay.

19 A -- to be perfectly honest.

20 Q Okay. So B. testified that this -- the particular

21 Snap at issue in this case had been posted to her story, which

22 meant that the people she was friends with on Snapchat could

23 look at it within 24 hours after she posted it, and after that

24 it disappeared. So my question is, do you know how it came to

25 be preserved longer than that 24-hour period?

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1 A I am assuming that you can screen shot from

2 Snapchat. I am --

3 Q But you don't know how the screen shot or photo was

4 were taken, anything like that?

5 A I know DF who was a varsity member shared the

6 information with S.

7 Q Okay. Do you know who brought it to school? I mean

8 B. didn't take a photo and bring it to school. So safe to

9 assume one of the other cheerleaders brought the photo or

10 screen shot to school to show you?

11 A I am in the elementary. I am in my own world over

12 there. What happens over here, Nicole, because she's in high

13 school, generally hears more than I do with being in third

14 grade.

15 Q Okay.

16 A I don't know how it came to school. I just know how

17 I received the information.

18 Q And that was -- how did you receive the information?

19 A I received a phone call from S. stating that D. told

20 her that the Snap was on Snapchat, it was inappropriate. And

21 after the phone hung up, they were sent to me.

22 Q Okay. So what was your understanding at that time

23 of who had seen the Snapchat?

24 A I sort of felt like everyone obviously that was in

25 the friends list. And as you can see, my daughter was not on